

QUESTIONS CONCERNING THE NOTIFICATION PROVIDED
BY ROMANIA¹ OF LAWS AND REGULATIONS
UNDER ARTICLE 12.6 OF THE AGREEMENT

The following communication, dated 18 October 1995, has been received from the Office of the United States Trade Representative.

1. *Procedures for safeguards proceedings.* The notification indicates (in Art. 6 of Decree 228/7 and Chapter V of the Working Rules) that safeguard investigations are to be carried out by a commission consisting of certain government officials.
 - (a) What procedures are followed by the commission in conducting an investigation and arriving at a safeguards recommendation? For example, what provision is there for reasonable public notice and a means for interested parties to present their views?
 - (b) Article 14, para. 2 of Joint Order No. 128 provides that a determination may be made by the commission *ex officio*, or upon request of national producers of like or directly competitive products or their associations. What are the procedures for the filing of requests by producers or associations and what information must be included in a request?
 - (c) Chapter V of the Working Rules states that requests to establish safeguard measures must be “solved” within three months. What is the meaning of “solved”? Does it include the final decision on whether to provide relief, or is it limited to the determination of injury or some other event?
2. *Standard for determining increased imports and serious injury.* Article 14, para. 5 of Joint Order No. 128 provides that the volume of imports during a period of 2-3 years, compared to the last 4-6 months (which are not included in the 2-3 years) shall be examined. Is it appropriate to use, in all cases, a 4-6 month period as indicative of increased imports, in light of the fact that:
 - products and industries have different business cycles, many of which extend well beyond a period of 4-6 months

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- trade data over a period of 4-6 months can be greatly influenced by short-term aberrations in trade that do not truly reflect significant economic trends.

Article 14, para. 5 of Joint Order No. 128 lists several factors that will be examined in considering the condition of the domestic industry, but does not include all the factors listed in Article 4.2(a) of the Agreement on Safeguards. Will the commission evaluate all the factors in Article 4.2(a) in determining whether there is injury?

3. *Imposition of safeguard measures.* Chapter V of the Working Rules provides that quotas are established by the Minister of Trade and Tourism and surcharges are established by the regulations in force by Government Decision at the proposal of the Ministry of Trade and Tourism and the Ministry of Economy and Finance. However, little else with regard to the imposition of safeguards measures is specified.

- (a) In particular, how does Romania intend to implement the following requirements of the Agreement on Safeguards:

- (i) Article 5: application of safeguard measures (including limitations on the use and structure of quantitative restrictions);
- (ii) Article 6: provisional safeguard measures;
- (iii) Article 7: duration and review of safeguards measures?

- (b) Also, what are “the regulations in force by Government Decision” with regard to surcharges referenced in Chapter V?